

Minutes of the Planning Commission meeting held on Thursday, June 17, 2010, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland, Chair
Sheri Van Bibber, Vice-Chair
Karen Daniels
Jeff Evans
Chad Wilkinson, Community Planner
Tim Tingey, Community & Economic Development Director
G.L. Critchfield
Citizens

Excused: Tim Taylor
Ray Black
Kurtis Aoki

Mr. Harland opened the meeting and welcomed those present.

APPROVAL OF MINUTES

Jeff Evans made a motion to approve the minutes from May 20, 2010. Seconded by Sheri Van Bibber.

A voice vote was made. The motion passed 4-0.

CONFLICT OF INTEREST

Jeff Evans stated that he has had past business dealings with the applicant for the Huka Lounge, Internet Café and Juice Bar. He said that he does not have any current business items with this applicant and that he believes he will not be biased in voting on this item.

Karen Daniels stated for the record that her company was approached by the Huka Lounge for a parking agreement but an agreement was not executed. She stated that she does not believe this to be a conflict of interest.

APPROVAL OF FINDINGS OF FACT

Jeff Evans made a motion to approve the Findings of Fact for Clearwire for a tower not to exceed 78 feet in height, and Discount Tire for a remodel of two buildings. Seconded by Karen Daniels.

A voice vote was made. The motion passed 4-0.

WENDY'S SUBDIVISION – 280 West 4800 South – Project #10-163

Clyde Daines was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a lot split subdivision. He said that the property is in the M-G-C zone and borders the mixed use zone on the south side. He stated that the request is to split one lot into two lots. Mr. Wilkinson stated that there is an existing building at the site that has been evaluated by the Building Official, who determined that

the structure will still meet the 10-foot setback requirement after the lot is split. He said that for a two lot subdivision there is not a minimum lot size requirement in the M-G-C zone and that the City verifies that there is enough space to meet setback and parking requirements. He stated that staff is recommending approval of the subdivision.

Clyde Daines, 9859 South 2700 East, Sandy, stated that he has received a copy of the staff report and will comply with the conditions. He said that he wants to split this lot in order to better utilize the property.

There were no comments from the public related to this item.

Sheri Van Bibber made a motion to send a positive recommendation to the Mayor to approve Wendy's subdivision, located at 280 West 4800 South, subject to conditions:

1. Submit a final plat for review and approval by the City Engineer and pay applicable review fees.
2. Meet the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Records Office.
3. The setback from the proposed property line to the existing building shall be a minimum of 10 feet.
4. The project shall meet all applicable building code standards.
5. The project shall meet all current fire codes.

Seconded by Karen Daniels.

Call vote recorded by Chad Wilkinson.

A _____ Ms. Van Bibber
A _____ Ms. Daniels
A _____ Mr. Evans
A _____ Mr. Harland

Motion passed 4-0.

AUTOBAHN ACRES – 4303 and 4319 South State Street – Project #10-164

Steve Barney was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a lot split subdivision. He stated that he wanted to clarify for the record that the applicant name on the staff report states Murray Auto Sales but should actually state Autobahn Investments LLC. He said that there should also be two more Sidwell numbers in addition to the one listed on the staff report, which are 22-06-153-030 and 22-06-153-026. Mr. Wilkinson stated that this property is located on State Street and is in the C-D-C zone. He said that the Building Official has reviewed the plat for compliance with setback requirements. He stated that when staff reviews subdivisions they look at code requirements that would be applicable based on new

property lines. He said that there is an existing parking lot that will require a 5 foot landscape buffer near the property line. Mr. Wilkinson said that the applicant has agreed to install the landscaping. He stated that staff is recommending approval.

Karen Daniels asked if there will be sufficient parking space after the lot is split. Mr. Wilkinson confirmed that there will be.

Steve Barney, 562 East Fox Farm Place, Draper, stated that he has reviewed the staff report and will comply with the conditions.

There were no comments from the public related to this item.

Karen Daniels asked if the additional Sidwell numbers need to be stated in the motion. Mr. Harland said that they are not needed specifically as the motion will include the title of the subdivision. He stated that this motion should be made as a recommendation to the Mayor.

Jeff Evans made a motion to send a positive recommendation to the Mayor for the lot split subdivision to two lots for Autobahn Acres, located at 4303 and 4319 South State Street, subject to conditions:

1. Submit a final plat for review and approval by the City Engineer and pay applicable review fees.
2. Meet the requirements of the Murray Subdivision Ordinance, city departments and utility companies for utility easements to be shown on the plat.
3. The project shall meet all applicable building code standards.
4. The project shall meet all current fire codes.
5. With the subdivision of the property, a 5 foot depth of landscaping is required abutting the property boundaries where parking stalls are located.
6. Meet Murray Power Department approval and to provide easements to be recorded on the final plat.

Seconded by Karen Daniels.

Call vote recorded by Chad Wilkinson.

A Ms. Van Bibber
A Ms. Daniels
A Mr. Evans
A Mr. Harland

Motion passed 4-0.

HUKA LOUNGE, INTERNET CAFÉ & JUICE BAR – 139 East 6100 South –
Project #10-153

Nathan Porter was the applicant present to represent this request. Tim Tingey reviewed this location and stated that this item was continued from the May 20th Planning Commission meeting. He said that an Internet Café is not specified in the Land Use Ordinance and staff determined that the request should go through the process for a Conditional Use Permit. He stated that there is not adequate parking and that there is a proposal to have parking at a different site. Mr. Tingey stated that the property is located on 6100 South in the C-D-C zone. The proposed additional parking is within 200 feet of the site. He said that the applicant is proposing to obtain the additional parking through an agreement with Backman Title. He stated that if the proposal is approved then some improvements must be made to the parking area to bring it up to code. Mr. Tingey said that correspondence has been received from General Growth Properties and Bickmore Carpets expressing concern about adequate parking in the area. He stated that the zoning ordinance states that the Planning Commission shall not authorize a Conditional Use Permit unless evidence establishes that the application meets the requirements outlined in the code. He said that Backman Title has agreed to provide parking on a month-to-month basis only, which is a concern for staff. He stated that the use should not be detrimental to the health, safety or general welfare of those residing or working in the vicinity. He said that inadequate parking can create numerous problems for businesses and residents in the area. Mr. Tingey stated that the proposed use should stress quality development with emphasis towards adequate buffering, landscaping, proper parking and traffic circulation. He said that a month-to-month agreement is not sufficient to guarantee adequate parking. He stated that based upon the terms of the parking agreement, and concerns from neighboring businesses, staff is recommending denial of the application.

Mr. Harland asked if the applicants have submitted additional information to staff since the prior meeting. Mr. Tingey replied that they have not.

Nathan Porter, 97 Princeton Drive, Midvale, stated that he will not be entering into an agreement with Backman Title. He stated that he is requesting a continuation of this item as he is further exploring parking options. He said that he's working with General Growth to allow parking, and although he has used their parking lot previously there has never been a written agreement in place to do so. Mr. Porter stated that he has offered to rent the adjacent parking directly behind the Huka Lounge which is only used for two months per year. He said that he is also considering a different location for employee parking in order to provide more customer spaces. He said that General Growth has to obtain approval from their large tenants, such as Nordstrom and Macy's, to enter into an agreement. Mr. Porter said that the Internet Café and Juice Bar will not serve alcohol and is therefore advocating public safety. He stated that the property owner is present tonight and she has stated concern that her property will remain vacant if this request is not approved. He said that if a new tenant moved into the building a number of renovations would have to be completed but that the building meets the needs of the Huka perfectly.

Jim Harland stated that the issue remains to be parking. He said that offsite parking must be within 200 feet of the premises and asked if the General Growth lot is within that

range. Mr. Porter stated that the lot is within 200 feet. He asked if he located a different lot for employees only if the 200 feet would apply. Mr. Harland said that even if he moved employee parking to another location there will be a shortage of parking spaces and that there must be 46 parking spots. Mr. Porter stated that the employees of the Internet Café would park offsite as well.

Tim Tingey said that there must be adequate off street parking either on site or within 200 feet with a pedestrian route. He stated that he is unsure of the distance to the General Growth parking lot. Mr. Harland asked about moving employee parking offsite. Mr. Tingey responded that staff would have to evaluate if moving employee parking would create adequate parking on site.

Jeff Evans stated that this is a unique problem because not many businesses could locate within this building. He said that the applicant has indicated that the building previously sat vacant for three years.

Sheri Van Bibber asked if there is still valet parking. Mr. Porter responded that there is.

Jim Harland said that the Planning Commission is not opposed to new business but the requirements of the ordinance must be met.

Bryant Porter, 11468 South Autumn Hill Drive, Sandy, stated that he is willing to drop the seating in order to make the parking work.

Jim Harland stated that staff needs time to evaluate reduced seating and calculate required parking based on that information.

Jeff Evans stated that he would like to hear from the public regarding this issue. Jim Harland opened the meeting for public comments related to this item.

Patrick Mullaly, Backman Title, 167 East 6100 South, stated that he is present to make sure that his business is represented correctly. He said that the Huka Lounge has correctly indicated that there is no longer a parking agreement with his company. He stated that his parking lot is locked each night.

Bart Bickmore of Bickmore Carpets, 135 East 6100 South, said that he is still opposed to this proposal. He stated that he is amiable to parking agreements with different types of businesses at this site but not this specific business. He said that they are open until early morning hours and require a lot of parking spaces. He stated that he has empathy for the building owner.

Milan Mitchell, 9833 South Tameron Circle, Sandy, said that she is the owner of the building. She stated that this issue has been ongoing for two months and that her tenant has been working very hard to have this approved. She said that she is very frustrated and that any tenant in the building would have similar problems. She stated that the building was previously vacant for three years and asked for help in getting approval.

Nathan Porter stated that he is confident that he will be able to secure a viable parking arrangement and that he would like time to present a few options to staff for review. He

stated that he doesn't want to see the building remain vacant and that it is not in the best interest of the building owner.

Tim Tingey stated that the Planning Commission has a few options regarding this item. He said that a motion can be made to approve or deny the application, or a decision can be made to continue the item to a specific date and time. He said that the July 1, 2010 agenda is already finalized so the issue would have to be continued to the July 15, 2010 meeting. Mr. Tingey stated that in the event that the Commission chooses to deny the application, the applicant cannot reapply on the same site and same use for one year, unless sufficient evidence is provided that the issues of concern will be addressed.

Jim Harland stated that the item was continued once before and nothing has been resolved. He said that if this is continued again he would strongly encourage the applicant to make efforts to resolve the parking.

Sheri Van Bibber made a motion to continue the Conditional Use Permit application for the Huka Lounge, Internet Café & Juice Bar to the meeting on July 15, 2010. Seconded by Jeff Evans.

Call vote recorded by Chad Wilkinson.

A _____ Ms. Van Bibber

A _____ Ms. Daniels

A _____ Mr. Evans

A _____ Mr. Harland

Motion passed 4-0.

OTHER BUSINESS

Tim Tingey reminded the Planning Commission of the open house scheduled for June 29, 2010 to discuss the downtown.

Meeting adjourned.

Tim Tingey, Director
Community and Economic Development